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“FREEDOM” OF THE PRESS?

BY RICHARD BARRY

THERE exists in the United States to-day a control of the press and a suppression of vital news and public discussion which it is difficult to parallel in English-speaking countries unless one goes back to the time of King James. As yet the eclipse is only partial, but unless effective attention is called to the fact, it is not inconceivable that it may become total.

Fundamentally, the laws regarding free speech and a free press are the same to-day as they were before our declaration of war. It is the general conviction, therefore, that free speech and a free press still exist. Everyone agrees that on the subject of disloyalty there can be no equivocation, and the ordinary mental attitude of the average American toward this problem is that it is better to suffer free speech and a free press to be in some measure curtailed if that is the price necessary to pay for the suppression of all disloyalty. However, the question remains: Are the powers now exerted by various departmental heads at Washington used solely for the generally sanctioned purpose of suppressing disloyalty?

It must not be assumed, in considering these facts, that the President in his own person is aware of the full extent of their indirect bearing, or even, in many instances, of their direct bearing. They are largely the result of an assumed authority only partially committed to his appointees. The President, in the minds of many, symbolizes the sovereignty of the United States. No one will impute to that a wrong intent; but, under its cloak, many wrongs, some unwittingly, some with intent, may be committed.

To consider impartially this matter it is necessary to examine the record.

Shortly after the beginning of the war, the Associated Press, the United Press, and the other news agencies voluntarily announced that they would send to their clients only such material as should conform to the Governmental requirements. While the attempt was made to have this appear a restriction for the purpose of preventing the circulation of any information of value to the enemy, it became in effect a political control denying circulation, through these accepted channels, of all facts which it is proper that the American public should know, but which certain agents of the Administration might not desire to have circulated.

A case in point was the method used by these agencies in recording so momentous a matter as the report of the Senate Sub-Committee on Military Affairs on aircraft conditions. This report was undoubtedly of stupendous detailed interest to the country. Yet only one newspaper, the *New York Times*, carried it in full, to the extent of an entire page. The Associated Press sent out little more than a column, largely generalizations, and very evidently a dispatch previously submitted to official "guidance." As Senator Lodge said on the floor of the Senate: "Our enemies know the contents of the report, our Allies know the contents of it, and the only people who do not know about it are the people of the United States." It can hardly be denied that the people of the United States were the ones who had the most right to know what a committee of Senators had to say after full investigation of the aircraft situation.

Those who think that the activities of the Government in suppressing newspapers have been directed only against pro-German publications should consider what happened to those who presumed to go beyond the reports of the Associated Press and other recognized news bureaus and published, from their own sources, more complete details about this aircraft investigation. The *Christian Science Monitor*, for instance, a newspaper certainly not radical in its editorial policy and unusually conservative in its news policy, was denied circulation for three days as a punishment for its publication of and comment on the aviation report. The *Detroit News*, for the same reason, was barred from circulation in Canada, where it usually sends 30,000 copies. The absurdity of this may be seen from the fact that the *Montreal Star*, the direct rival of the *News* for its Canadian circulation, published the aircraft report almost in full and, of course,

with impunity. The New York *Times* has always been a stalwart supporter of the Administration and has never been accused of divulging military secrets; yet its foreign edition containing the aviation report was suppressed without notification.

In commenting on these facts Senator Lodge said to me, in an authorized interview:

The purpose of the Government is plain. If material appears which the Government says cannot be sent abroad, that will tend to make every newspaper refuse to publish that matter. The effect of this Governmental order would be to prevent the publication of anything relating to the aircraft situation in the newspapers by refusing the mails to them to go abroad. All important newspapers send more or less copies to Europe. If the publication of any matter will prevent their going abroad, cost them money, involve the loss of postage and all of that, of course, they will omit such matter altogether, and it will never reach the American people.

The order of the War Industries Board, cutting down the space to be used by newspapers, further separates the American people from their sources of information. Whatever was the design of this order, the effect is unmistakable. It can only result in the very considerable reduction of special correspondence and special articles in all newspapers. The available space that will be left, newspapers will be obliged to use for such necessary items as the casualty lists, official reports, and a certain amount of restricted news from the battle-front. By this sweeping order the Government has very considerably reduced, if it has not entirely eliminated, the volume of special interpretation sent from Washington and other important centers.

Therefore I look at this order of the War Industries Board as only another step in what is apparently a comprehensive plan to prevent the American people from learning anything about the war, or its conduct, except such information as it is desired shall be given out. The Associated Press and all other news agencies serving American newspapers have agreed to submit to censorship, and the only way in which they can exist at all is by slavishly obeying the behest of those in control of the Government.

In addition to all this reports have come to me that many small newspapers throughout the country fear to make any independent report of, or any independent comment on the news of the day because of coercion, and the attitude taken by most of them is the easy one of preferring existence on the Government's terms rather than the surely hazardous one of attempting to perform a difficult duty toward their readers.

In the light of these various facts it appears that the United States has already reached that period of darkness which it was feared by many of us who predicted it on the floor of the Senate would arrive if extra constitutional powers were granted to the Government. If it is possible to prevent the full text and meaning of such a report

as that of the Senate Sub-Committee on Aviation from reaching all classes of American citizens, then how are our people, who deserve to know the truth about their war, for it is emphatically their war, to be sure that any of the information being served them is reliable? If the corps of specially trained writers accustomed to serve the newspapers from Washington and other chief centers is to have its opportunity for expression choked off, then who henceforth will have confidence in the dry official reports, relieved only by the questionable interpretation of an official press bureau?

These conditions do not seem possible in America, and it does not seem possible that America will tolerate them once it becomes fully aware of their meaning and extent.

However, Senator Lodge touched only the high points of the situation. For instance, he did not mention the results that have come about through the operation of the Postal Zone Rate Law, and which he himself, among others in the Senate, predicted before its passage. Metropolitan papers have lost readers by the tens of thousands through the operation of this law, while to national magazines a desperate blow has been dealt. It is only metropolitan papers and magazines which, by virtue of large staffs at Washington and elsewhere, are able to give the whole American public its accustomed complete news service. By that I mean news interpretation, analysis of public policy. Smaller newspapers, because of mechanical and financial limitations, are able to handle only local news, and whatever is telegraphed to them by press associations. They have not the space to print nor the money to buy the service of the larger and more important news agencies which go behind the scenes, giving the meaning of a Congressional debate or of the activities in committee rooms, or of events of political significance.

The press associations carry only "inspired" news. They give out only what is desired by departmental heads in Washington. They give out no independent interpretation of this news, and if such an interpretation is attempted by others it is rendered difficult by reduction of space in large newspapers.

Another event which has contributed to the isolation of the smaller communities of America is the order of the War Industries Board compelling newspapers to discontinue their exchanges. Larger dailies are not embarrassed by this, because they pay cash for each other's publications. But the smaller publisher who must go down into his pocket for the metropolitan papers he hitherto received, often cannot afford

to do this, so he is left without his independent source of genuine news material, curtailed though that is.

As a direct result of the Postal Zone Rate Law and of the rulings of the War Industries Board, the country editor and the small town are more isolated and more provincial to-day than at any time within the past half century.

The editor of the large daily, however, need not feel any too confident that he is getting all the news. The War Industries Board has cut down the amount of news matter that large dailies may print, beginning September first. It was announced that this was done to save white print paper, five tons of which are being sent out every day by the Administration's public agencies. However, the ruling was evidently not aimed primarily at paper, but at "reading matter." Under this ruling the publisher is not allowed to decide for himself how much reduced space he may give to news editorial matter and how much to advertising, even if he might elect to curtail his advertising at his own expense. The ruling of the War Industries Board does not permit him to do so. He is obliged to cut his "reading matter" on a sliding scale of from five to fifty per cent, depending on the amount of columns he had previously published, *although no restriction is placed on advertising*. In the mind of The War Industries Board, evidently, print paper consumed in advertising does not deplete the country's stock as does that consumed in printing reading matter.

It can readily be seen how this order cuts out the trained correspondent, the special interpretation of news and attending editorial comment, especially from contributors, whether these be professional or political. In fact, it has had a tendency to dry up at its source the wellspring of the Washington correspondent and to force out of existence for the period of the war that small corps of specially trained newspaper and magazine writers who have furnished the journalistic leaders of public opinion. Discussion of policies, analysis of news, the "inside" of things as they really exist, are in a fair way to being stifled.

If one mind conceived this comprehensive scheme of news limitation and control, it did not overlook the possibility that some organization might find a way to evade the restrictions. Apparently with this end in view, the War Industries Board has ruled that: "During the war no new paper shall be established." No new enterprise has yet started with suffi-

cient backing of courage and finances to discover if the Supreme Court will uphold this order in the face of the Constitutional guarantees regarding the freedom of the press.

Under present war conditions there is no profit-making incentive to start a new newspaper. Labor is so high, paper is so high, machinery is so difficult to obtain, advertising so decreased, the price-fixing and the limited production of non-essentials are becoming so much more rigid, that it makes the establishment of any publication for profit practically out of the question. At the present time the only incentive for starting a publication would be that of providing a genuine medium for information or, perhaps, to plead a special cause. A new paper would not be limited in the amount of “reading matter” it might handle, because there would be no past record on which to form a basis for computing its allotment of news matter; therefore, the War Industries Board ruling on the subject of decreased space for “reading matter” could not be effective against a new publication.

This ruling did not make any exception. It did not specify that new publications would be obliged to subject themselves to supervision. It was simply a blanket order covering any and all possible publications. Of course no one would expect the Government to permit *The Fatherland* to be revived, any more than anyone would expect the Government to sanction a paper called *For Kaiser and Country*; but, at the same time, if anyone desired to start a paper to plead a cause or champion a principle, such a periodical would have to die before it was born, just as if it were the yellowest pro-German sheet. An illuminative insight into the point of view of the Governmental agents was offered by Mr. Baruch, Chairman of the War Industries Board, who, in reply to a protest against this ruling, said: “In the eyes of the Board there is no distinction between a newspaper and a factory.” In other words, to Mr. Baruch (who, so far as this matter is concerned, is for the moment the spokesman of the Government) there seems no difference between a Free Press as guaranteed by the Constitution and the production of toy balloons.

Early in August Mr. Burleson announced that in his very great zeal to serve the press he purposed to take over the “news wire” so that (as he disingenuously announced) he might “provide for the press the most efficient wire facilities

under Government control." The intent of this was obvious to all newspaper men, for the "news wire" has long been the best organized function of the entire telegraph service. It has always been given preference over market and commercial wires. It has always been the first wire up after disasters like the Galveston flood or the San Francisco fire. It has always been humanly perfect; it is less in need of attention or improvement than any mechanical service in the country.

Therefore, one need not be surprised when he finds the allegation made that this bringing of the news-service under the control of the Postmaster-General and the political interests he represents means a censorship of all news; not by the frank method of the blue pencil, but by the devious method of official delay, holding it up until its news value is lost. Correspondents handling material obnoxious to Mr. Burleson and his associates may expect at any time to hear the plea that "pressure of official business" is requiring the full capacity of the news wires. One need not be unduly imaginative to see how the mechanical control of the Wire Service by such a potentate may hamper, embarrass, and even paralyze news, however legitimate, however vital to the safe conduct of public opinion it may be.

There is another form of control exercised over newspapers which defies all but an official inquiry. Its character may be only inferentially given. I quote the editor of a daily in Portland, Maine, who said to me: "Two editors of my acquaintance have been called to the phone recently by local Government officials who notified them that if further material of the nature mentioned was published their papers would be suppressed." This occurred just previously to the Maine election early in September. The matter referred to was solely Republican political propaganda. Its only bearing on the war lay in the fact that it aimed to prevent the election of Democrats in the place of Republicans of sound war records.

Reports of similar episodes have come from other parts of the country. The obvious reply is: "Why do these editors stand for it; don't they know their rights?" The unfortunate fact remains that most newspapers wish to avoid trouble and complications, especially with the Government, and many would rather err on the side of saying nothing than to take the chance of meeting the adverse criticism that

would surely come if any Governmental action, just or unjust, were leveled at them.

"Editors should know their rights," Senator Poindexter has said. "If more of them would insist on these rights there would be less talk of the use by various Governmental agents of authority which they do not possess under the law. As a matter of fact, any newspaper which will courageously take a stand and which sincerely has no desire to be disloyal, can publish exactly the same material to-day that it published before the war. I believe that many of these unusual powers assumed by departmental heads would be broken if so many editors did not invite their use."

The *Nation* recently showed fight and established its rights merely by threatening to carry to the Supreme Court the case of its disbarment from the mails; it succeeded in having the Post Office remove the ban against its circulation. In describing its contention with Mr. Burleson the *Nation* said:

Obviously, what happens to the *Nation* itself is, despite its fifty-three years of honorable and patriotic service, of little importance compared to the principles at stake. . . . Freedom of dissent is a true national safety valve; more than that, it is a mark of true democracy without which in war time any pretension to democracy lays itself open to the charge of hypocrisy.

Now, we would not deny the difficulty of controlling the press in war time. With a censorship to avoid the leakage of military secrets and to prevent incitements to treason and other crimes, everybody, except a few extremists, must be in sympathy. But the difficulty about our censorship is that it has not stopped there. . . . *It seems that he (Mr. Burleson) no longer merely seeks to prevent sedition and treason, but aims to control public opinion.*

If one paper can win this fight for a free press, any paper can win it. We are not as badly off as when Milton wrote his *Areopagitica*. Yet each week requires its new *Areopagitica*.

RICHARD BARRY.